



SOUTH CAROLINA STATE ACCIDENT FUND

2011 Case Law Update

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James v. Anne's

390 S.C. 188, 701 S.E.2d 730 (2010)



- WCC can force carriers to allocate settlement or hearing proceeds over the lifetime of the claimant

Matute v. Palmetto Health Baptist

Op. No. 4777, S.C. App. filed 1/19/11



- Employee leaving work is subject to the “going and coming” rule, where:
 - * she was not on employer business
 - * fell on public sidewalk
 - * had a choice of ways to exit the workplace
 - * employer did not control, maintain or own the sidewalk

Average Weekly Wage/Compensation Rate

Pilgrim v. Eaton, 391 S.C. 38, 703 S.E.2d 241 (Ct. App. 2010)



In order to depart from the primary method of calculating AWW/CR, the employment must extend over less than 52 weeks or exceptional reasons exist making it unfair not to do so.

Three alternative methods:

- 1) Actual wages divided by actual working time
- 2) Similar Employee
- 3) Other

WHAT CAN YOU APPEAL?

WHEN CAN YOU APPEAL?



- Interlocutory appeals are not directly appealable.
- Interlocutory means 'not final'
- An order of the Circuit Court remanding a case for additional proceedings before an administrative agency is not directly appealable.

Long v. Sealed Air Corp., Op. No. 4783 (SC App. filed 1/26/11)